



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

LCC:ddj
Docket No: 4533-00
29 August 2000

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

[REDACTED]

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1000 PERS 312E/51 of 31 July 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1000

Pers 312E/51

31 JUL 2000

From: Commander, Navy Personnel Command
To: Executive Director, Board for Corrections of Naval Records
Via: Assistant, Board for Correction of Naval Records (Pers-00Z)

Subj: ADVISORY OPINION IN CASE OF [REDACTED]

Ref: (a) BCNR ltr of 17 Jun 00
(b) Milpersman 1000-100

1. We have reviewed reference (a). The home of record as stated at the time of entry on active duty was Thatcher, Arizona. Subject named member lived and attended school in Thatcher, Arizona from May 1988 until the time of entry onto active duty. Service record does not indicate he lived in Westlaco, Texas except at time of birth.

2. In accordance with reference (b), home of record does not in itself establish legal domicile or legal residence, which can be determined only under civil laws for specific situations.

[REDACTED]
By direction